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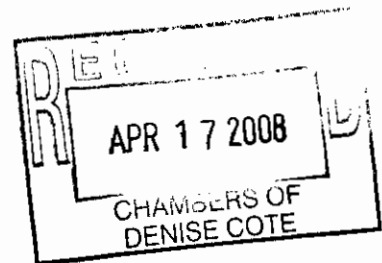
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April 17, 2008

By Hand

The Honorable Denise Cote  
U.S. District Court  
Southern District of New York  
500 Pearl Street  
Chambers 1040  
New York, New York 10007

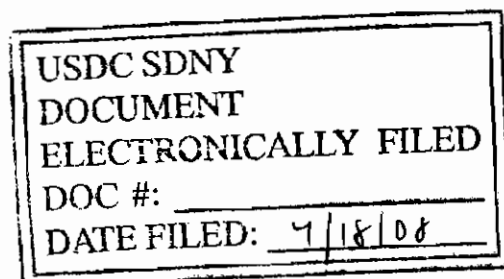


Re: *Travelers Casualty and Surety v. The Dormitory Authority of  
the State of New York, et al.*  
Civil Action No.: 07 CV 6915 (DLC)

Dear Judge Cote:

This firm represents Fourth-Party Defendant, United States Fire Insurance Company ("U.S. Fire"), with respect to the above-referenced matter. U.S. Fire's Motion to Dismiss was fully submitted on March 24, 2008. Thereafter, on or about April 8, 2008, Fourth-Party Plaintiffs Trataros Construction, Inc. ("Trataros") and Travelers Casualty and Surety Company ("Travelers") submitted an Amended Fourth-Party Complaint. The amended pleading, however, contains no new or different claims as against U.S. Fire. In fact, the Complaint was amended simply for the purpose of naming one additional insurance company as a Fourth-Party Defendant. Therefore, the parties' respective positions and contentions as set forth in their supporting, opposing and reply Briefs filed in connection with U.S. Fire's Motion to Dismiss are unaffected by the amendment of the fourth-party pleading.

To that end, the undersigned has conferred with Eli Rogers, counsel for the Fourth-Party Plaintiffs, and we have agreed, with the Court's permission, to have U.S. Fire's previously submitted Motion to Dismiss stand as U.S. Fire's response to the Amended Fourth-Party Complaint. Trataros/Travelers and U.S. Fire believe that this would be much more efficient than having each party re-serve the identical Briefs simply for the purpose of filing a "new" response to the amended pleading. We therefore respectfully request that Your Honor allow the already submitted Motion to Dismiss of U.S. Fire, along with the corresponding Briefs in opposition and in reply, to stand as U.S. Fire's response to the Amended Fourth-Party Complaint of Trataros and Travelers.



Granted-  
Denise Cote  
April 18, 2008



The Honorable Denise Cote  
April 17, 2008  
Page 2 of 2

Re: *Travelers Casualty and Surety v. DASNY, et als.*

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Thank you for your consideration of this request.

Very truly yours,

A handwritten signature in black ink, appearing to read "John P. DeFilippis". The signature is fluid and cursive, with a large initial "J" and "P".

John P. DeFilippis

cc: Eli Rogers, Esq. (by electronic mail)  
Dreifuss Bonacci & Parker, LLP  
Counsel for Fourth-Party Plaintiffs